

FOR INFORMATION AND ACTION  
DA-2011-04  
January 28, 2011

SUBJECT: Advance Notification Requirement for *Phytophthora ramorum* (*P. ramorum*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is issuing a Federal Order, effective March 1, 2011, requiring that interstate shipping nurseries located either in counties that are established as quarantined areas or in regulated counties that have previously tested positive for *P. ramorum*, to provide advance notification to destination States in non-regulated areas for certain high-risk plant species. Advance notification is necessary to enhance the traceability of potentially infected nursery stock and prevent the spread of harmful plant diseases such as sudden oak death, ramorum leaf blight, and ramorum dieback which are caused by *P. ramorum*.

Under the requirements of the attached Federal Order, all nurseries located in the quarantine area that ship any species of *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including *Azalea*), and *Viburnum* interstate to non-regulated areas must provide advance notification. The current quarantine areas include Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties in California; and Curry County in Oregon.

In addition, nurseries shipping any species of the above mentioned high-risk plant genera interstate to non-regulated areas must provide advance notification if they are located in regulated counties, with one or more interstate shippers that have tested positive for *P. ramorum*, since 2003. The affected regulated counties include Los Angeles, Placer, Sacramento, San Diego, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tulare, and Ventura counties in California; Clackamas, Columbia, Lane, Lincoln, Marion, Multnomah, Washington, and Yamhill counties in Oregon; and Clark, Cowlitz, King, Kitsap, Lewis, Pacific, Snohomish, and Thurston counties in Washington.

The notification must be sent at the time of shipment by mail, facsimile, or e-mail. Currently, when host plants are found to be infected with this pathogen at a shipping nursery, considerable time is spent gathering information on that nursery's previous shipments which also may have been infected. This process significantly delays the ability of State and Federal officials to rapidly trace potentially infected plant material.

This Federal Order supersedes the May 27, 2010, Federal Order regarding *P. ramorum*. APHIS had extended the implementation of the original Federal Order twice to provide the nursery industry additional time to comply with the requirements and to clarify several issues raised by industry in the regulated states of CA, OR and WA. In addition, APHIS has established the necessary measures supporting implementation of the superseding Federal Order, including the development of supplemental guidance documents for nurseries and states in a question-and-answer format.

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The Federal Order and guidance documents are available on APHIS' website at [www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/pram/regulations.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/regulations.shtml).

For more information on *P. ramorum*, you may contact Prakash Hebbar, APHIS National *P. ramorum* Program Manager, at (301) 734-5717.

**/s/ Rebecca A. Bech**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

2 Attachments:

- Federal Order
- Additional Guidance for Nurseries—Advance Notification of *P. ramorum*-Host Nursery Stock, January 2011

**FEDERAL DOMESTIC QUARANTINE ORDER**  
***Phytophthora ramorum* 7 CFR 301.92**  
**DA-2011-04**  
**January 28, 2011**

The purpose of this Federal Order is to prevent the spread of harmful plant diseases caused by *P. ramorum*, through regulatory authority pursuant to the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

This Federal Order supersedes the May 27, 2010, Federal Order (DA-2010-21), which was placed on temporary hold (vide DA-2010-27) on July 12, 2010, to provide USDA's Animal and Plant Health Inspection Service (APHIS) additional time for consultations and to incorporate necessary revisions.

The existing domestic regulations for *P. ramorum*, located in 7 CFR Part 301.92, authorize the interstate movement of nursery stock from *P. ramorum* quarantined or regulated areas without prior notification to the receiving states. At present, when host nursery stock is found positive for *P. ramorum*, considerable time is spent gathering traceability information, thereby delaying the ability of State and Federal officials to respond rapidly.

To help mitigate the spread and dissemination of *P. ramorum*, the APHIS Administrator considers it necessary for interstate shipping nurseries in the counties listed below that ship host plants regulated for *P. ramorum* at the genus level to provide prior written notification to receiving States in non-regulated areas.

Effective March 1, 2011, any interstate shipping nursery located in the current **quarantined counties** shipping any species of the genera *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including Azalea), and *Viburnum* (defined under 7 CFR 301.92-2 (d) proven host taxa) interstate to non-regulated areas must provide advance notification. The current quarantine counties are:

California: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

Oregon: Curry

In addition, a nursery located in a **regulated county** must adhere to the advance notification requirements if it is:

- Shipping any species of the five high-risk plant genera (listed above) interstate to non-regulated states; and
- Located in a regulated county with one or more interstate shipping nurseries that have tested positive for *P. ramorum* since 2003.

Based on these criteria, the currently affected regulated counties are:

California: Los Angeles, Placer, Sacramento, San Diego, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tulare, and Ventura

Oregon: Clackamas, Columbia, Lane, Lincoln, Marion, Multnomah, Washington, and Yamhill

Washington: Clark, Cowlitz, King, Kitsap, Lewis, Pacific, Snohomish, and Thurston

Affected nurseries in the above mentioned counties are required to send advance notification to the State Plant Regulatory Official (SPRO) in the receiving State at the time of shipment. This requirement may be fulfilled by sending (via mail, facsimile, or email) a bill of sale, manifest, or other documentation that includes the following information:

- Shipping date, name, telephone number, and full address of the consignee;
- Name, telephone number, and address of the shipper;
- Plant name and number of each plant species/variety shipped; and
- Mode of transportation (air, courier, ground).

The contact information for each State's SPRO is listed on the following Website:  
<http://www.nationalplantboard.org/member/index.html>.

Commodities shipped without providing advance notification to the destination States may be held, returned to their point of origin, or destroyed at the expense of the owner if valid information cannot be provided by the shipping nursery within 3 business days that advance notification was made.

This Federal Order will allow states receiving *P. ramorum*-host nursery stock to assign and prioritize resources, assure rapid response, and provide direct traceability for high-risk nursery stock (as defined under 7 CFR 301.92-2) known to be positive for *P. ramorum*. While carrying out the functions specified in this Federal Order, the receiving States must follow procedures consistent with Federal regulation, which are detailed in 7 CFR 301.92.

To receive additional details on the Federal *Phytophthora ramorum* regulatory program, please contact Dr. Prakash Hebbar, APHIS' National Program Manager, at (301) 734-5717.